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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,990	12/21/2001	John Seibel	41286	8142

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EXAMINER

LU, KUEN S

ART UNIT PAPER NUMBER

2167

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,990	<b>Applicant(s)</b> SEIBEL ET AL.	
	<b>Examiner</b> Kuen S. Lu	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendments***

1. The Action is responsive to Applicant's Amendments, filed January 11, 2006.
2. It is acknowledged the amendments made to the claims 18, 20-25, 27-28, 31-32, 35, 38-39 and 42 in Applicant's Amendments, filed January 11, 2006.
3. Claims 1-43 are pending in the application and, are rejected.
4. As to Applicant's Remarks, filed January 11, 2006, please see discussion in the section ***Response to Arguments***, following the Office Action for non-Final Rejection (hereafter "the Action") shown next.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 18, 20-25, 27-28, 31-32, 35, 38-39 and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the claims "(computer readable) visual representation(s)" was currently amended to "digital picture(s)". However, the subject matter "digital picture(s)" was not described in the specification. In the Action, Examiner interprets "digital picture(s)" as "(computer readable) visual representation(s)" as supported by the specification.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-43 are rejected under 35 U.S.C. §102(e) as anticipated by McClure et al. (U.S. Patent 6,250,548, hereafter "McClure").

As per Claims 1 and 11, McClure teaches the following:

**"storing a database of voter records, each voter record comprising at least one voter characteristic, based on said at least one voter characteristic, generating a paper ballot"** (See col. 9, lines 29-33 and 39-42, col. 31, lines 51-52 where a voter registration database maintains voter registration data and has the ability to generate jurisdiction's required mailings to registered voters teaches the registration database has voter's characteristic data, including mailing address and voting jurisdiction, and further, absentee database manages absentee voter lists and generates absentee voter ballot for mailing is equivalent to Applicant's **storing a database of voter records, each voter record comprising at least one voter characteristic, based on said at least one voter characteristic, generating a paper ballot**); and

**"based on said at least one voter characteristic, generating a paper ballot"** (See col. 9, lines 29-33 and 39-42, col. 31, lines 51-52 where a voter registration database

maintains voter registration data and has the ability to generate jurisdiction's required mailings to registered voters teaches the registration database has voter's characteristic data, including mailing address and voting jurisdiction, and further, absentee database manages absentee voter lists and generates absentee voter ballot for mailing is equivalent to Applicant's **based on said at least one voter characteristic, generating a paper ballot**).

As per Claims 2 and 12, McClure teaches "**based on said at least one voter characteristic, determining a set of positions and issues for which a voter is eligible to vote, and generating a paper ballot comprising said set of positions and issues**" (See col. 30, lines 51-56 where an absentee ballot has first data element supporting a variety of ballot styles including only those races and issues for which the various voters in the precinct may be eligible to vote, a second element providing authenticity information and a third element including a unique ballot issue number is equivalent to Applicant's **based on said at least one voter characteristic, determining a set of positions and issues for which a voter is eligible to vote, and generating a paper ballot comprising said set of positions and issues**).

As per Claims 3 and 13, McClure teaches "**marking the voter record associated with said generated ballot as voted**" (See col. 32, lines 42-53 where the write-in of returned and voted absentee ballot is scanned, accepted and stored as part of the ballot

image is equivalent to Applicant's **marking the voter record associated with said generated ballot as voted**).

As per Claims 4 and 14, McClure teaches the following:

**"generating said paper ballot comprising a voter associated portion and an anonymous portion"** (See col. 31, lines 51-60 where ballot having top and bottom sheets and bottom sheet being placed in an envelope prepared for returning the voted sheet for mailing to voter teaches voter associated and a voting portions are generated and printed for delivering the ballot by mail, further at Fig. 26 and col. 33, lines 32-36 where voter name is associated with an issue number which is internal to a computer and incorporated into bar code printed on the bottom sheet and the number is never viewed by human is equivalent to Applicant's **generating said paper ballot comprising a voter associated portion and an anonymous portion**), and **"mailing said ballot to a voter identified in said voter associated portion, together with an anonymous envelope and a return envelope"** (See Fig. 26 and col. 31, lines 51-67 where ballot having top and bottom sheets, and bottom sheet being placed in an envelope prepared for returning the voted sheet for mailing to voter teaches voter associated and a voting portions are generated and printed for delivering the ballot by mail is equivalent to Applicant's **mailing said ballot to a voter identified in said voter associated portion, together with an anonymous envelope and a return envelope**).

As per Claims 5 and 17, McClure further teaches **"generated ballot comprises means for separating said voter associated portion and said anonymous portion"** (See Fig. 26, elements 180-184 and col. 31, lines 51-60 where the top sheet is removed, by using perforated edges, from the bottom sheet which is the ballot to be mailed back to the headquarter, and Examiner takes an official notice that returning envelope maintains anonymous is a daily practice in business inquiry and opinion polling for decades is equivalent to Applicant's **generated ballot comprises means for separating said voter associated portion and said anonymous portion**).

As per Claim 6, McClure further teaches **"anonymous portion is adapted to be inserted into said anonymous envelope"** (See Fig. 26 and col. 31, lines 51-60 where absentee ballot is sent by the mail and at col. 31, lines 40-45 where all portions and return envelope fit in an outer envelope are tied together by perorated edges is equivalent to Applicant's **anonymous portion is adapted to be inserted into said anonymous envelope**).

As per Claims 7 and 15, McClure further teaches **"anonymous envelope is adapted to be enclosed in said return envelope"** (See Fig. 26 and col. 31, lines 51-60 by showing absentee ballot is sent by the mail and at col. 31, lines 40-45 where all portions, including the ballot, and the return envelope fit in an outer envelope tied together by perorated edges and further, Examiner takes an official notice that enclosing a sealed envelope in a returning envelope is a common and decades long

business practice, for example, college encloses an individual scripts into a sealed envelope and insert the envelope into a mailing envelope for sending to the individual's potential employer is equivalent to Applicant's **anonymous envelope is adapted to be enclosed in said return envelope**).

As per Claims 8 and 16, McClure further teaches "**anonymous portion of said ballot is adapted to be inserted into said anonymous envelope**" (See Fig. 26 and col. 31, lines 51-60 by showing absentee ballot is sent by the mail and at col. 31, lines 40-45 where all portions and return envelope fit in an outer envelope tied together by perorated edges, and "said anonymous envelope is adapted to be inserted into said return envelope" at Fig. 26 and col. 31, lines 51-60 by showing absentee ballot is sent by the mail and at col. 31, lines 40-45 where all portions, including the ballot, and the return envelope fit in an outer envelope tied together by perorated edges is equivalent to Applicant's **anonymous portion of said ballot is adapted to be inserted into said anonymous envelope**).

As per Claim 9, McClure teaches "**receiving said return envelope, separating said anonymous envelope from said voter associated portion, and marking the voter record associated with the voter identified in said voter associated portion as voted**" (See col. 31, lines 51-60 by showing instructions for performing steps of receiving ballot package, separating mailing materials, marking the ballot, placing voted ballot into return envelope and sending back to the headquarter is equivalent to

Applicant's **receiving said return envelope, separating said anonymous envelope from said voter associated portion, and marking the voter record associated with the voter identified in said voter associated portion as voted).**

As per Claim 10, McClure further teaches **"return envelope is addressed to a vote receiving location"** (See col. 31, lines 31-60 where the return envelope is to be returned to the headquarter edges is equivalent to Applicant's **return envelope is addressed to a vote receiving location).**

As per Claims 18, 24 and 35, McClure teaches the following:

**"marking each of a plurality of voted paper ballots with a unique ballot identification"** (See col. 30, lines 58-59 where a unique absentee ballot issue number is the 3<sup>rd</sup> data element in the ballot is equivalent to Applicant's **marking each of a plurality of voted paper ballots with a unique ballot identification);**

**"scanning said plurality of voted ballots and generating a digital pictures of each of said ballots"** (See col. 43, 37-59 where voter eligibility is validated by scanning the voter and the voter is assigned the specific ballot styles is equivalent to Applicant's **scanning said plurality of voted ballots and generating a digital pictures of each of said ballots);**

**"analyzing markings indicating a voter's intent made on said plurality of voted ballots"** (See col. 32, lines 20-21 and 29-35 where image of marks, positional information and encoded bar code are scanned and analyzed is equivalent to

Applicant's **analyzing markings indicating a voter's intent made on said plurality of voted ballots**);

**"generating vote data associated with each of said plurality of voted ballots based on said digital pictures of said ballots"** (See col. 42, lines 59-65 where voting tablet is ready for the voter to make his/her selections is equivalent to Applicant's **generating vote data associated with each of said plurality of voted ballots based on said digital pictures of said ballots**); and

**"associating each said digital picture and corresponding vote data with said voted ballot based on said unique ballot identification"** (See col. 42, line 65 – col. 43, line 16 and col. 30, lines 51-56 where an absentee ballot has first data element supporting a variety of ballot styles including only those races and issues for which the various voters in the precinct may be eligible to vote, a second element providing authenticity information and a third element including a unique ballot issue number and the voting styles according to each voter is displayed for his/her selection is equivalent to Applicant's **associating each said digital picture and corresponding vote data with said voted ballot based on said unique ballot identification**).

As per Claims 19, 26 and 37, McClure further teaches **"vote data comprises said unique ballot identification"** (See col. 43, lines 24-31 by showing cast ballot and voter identification are linked together before ballot is selected and cast selection is equivalent to Applicant's **vote data comprises said unique ballot identification**).

As per Claims 20, 27 and 38, McClure further teaches **"storing said digital pictures and said vote data in a database"** (See col. 43, lines 32-35 and col. 44, lines 1-5 where the readable cast ballot is moved into the primary storage location at the voting site and later transmitted to a central computer to store selection is equivalent to Applicant's **storing said digital pictures and said vote data in a database**).

As per Claims 21, 30 and 41, McClure further teaches **"storing said digital pictures and said vote data in a relational database"** (See col. 9, lines 5-6 where commercial database for storing cast ballot includes relation databases is equivalent to Applicant's **storing said digital pictures and said vote data in a relational database**).

As per Claim 22, 31, 32, 33 and 42, McClure further teaches the following:  
**"retrieving at least one of said digital pictures"** (See col. 42, lines 65-67 where voting tablet displays governor selection is the starting of the ballot selection/cast is equivalent to Applicant's **retrieving at least one of said digital pictures**);  
**"displaying said digital picture and said vote data associated therewith on a display device"** (See col. 42, lines 60-67 by showing the voting steps in the voting booth and voting tablet illuminating and displaying message for starting the voting/casting process is equivalent to Applicant's **displaying said digital picture and said vote data associated therewith on a display device**); and

**"modifying said vote data associated therewith"** (See col. 43, lines 25-30 where voter can move his/her selections before finally casting by pressing the ballot cast button is equivalent to Applicant's **modifying said vote data associated therewith**).

As per Claim 23, McClure further teaches the following:

**"retrieving at least one of said digital pictures"** (See col. 42, lines 65-67 where voting tablet displays governor selection is the starting of the ballot selection/cast is equivalent to Applicant's);

**"displaying said digital picture and said vote data associated therewith on a display device"** (See col. 42, lines 60-67 by showing the voting steps in the voting booth and voting tablet illuminating and displaying message for starting the voting/casting process is equivalent to Applicant's **retrieving at least one of said digital pictures**);

**"retrieving the voted ballot associated with said digital picture based on said unique ballot identification"** (See col. 43, lines 24-31 by showing cast ballot and voter identification are linked together before ballot is selected and cast **retrieving the voted ballot associated with said digital picture based on said unique ballot identification**); and

**"modifying said vote data associated with said voted ballot and said digital picture"** (See col. 43, lines 25-30 where voter can move his/her selections before finally casting by pressing the ballot cast button is equivalent to Applicant's **modifying said vote data associated with said voted ballot and said digital picture**).

As per Claim 25 and 36, McClure teaches **"a display device adapted to display at least one said digital picture and said vote data associated therewith"** (See col. 42, lines 65-67 where voting tablet displays governor selection is the starting of the ballot selection and cast, and at col. 42, lines 60-67 by showing the voting steps in the voting booth and voting tablet illuminating and displaying message for starting the voting and casting process is equivalent to Applicant's **a display device adapted to display at least one said digital picture and said vote data associated therewith**).

As per Claims 26 and 37, McClure teaches **"mark said voted ballot with a unique ballot identification"** (See col. 43, lines 24-31 by showing cast ballot and voter identification are linked together before ballot is selected and cast is equivalent to Applicant's **mark said voted ballot with a unique ballot identification**).

As per Claims 27 and 38, McClure teaches **"associate said unique ballot identification with said vote data and said digital picture of said voted ballot"** (See col. 42, line 65 – col. 43, line 16 where voting styles according to each voter is displayed for his/her selection is equivalent to Applicant's **associate said unique ballot identification with said vote data and said digital picture of said voted ballot**).

As per Claims 28 and 39, McClure teaches **"a storage device for storing said vote data and said digital picture of said ballot"** (See col. 43, lines 32-35 and col. 44, lines 1-5 where the readable cast ballot is moved into the primary storage location at the

voting site and later transmitted to a central computer to store, and at col. 9, lines 5-6 where commercial database for storing cast ballot includes relation databases is equivalent to Applicant's **a storage device for storing said vote data and said digital picture of said ballot**).

As per Claims 29 and 40, McClure teaches "**said storage device comprises a database**" at col. 43, lines 32-35 and col. 44, lines 1-5 where the readable cast ballot is moved into the primary storage location at the voting site and later transmitted to a central computer to store, and " (See col. 9, lines 5-6 where commercial database for storing cast ballot includes relation databases is equivalent to Applicant's **said storage device comprises a database**).

As per Claims 34 and 43 McClure teaches "**modify said vote data based on a review of the voted ballot associated with said unique ballot identification in said vote data**" (See col. 43, lines 25-30 where voter can move his/her selections before finally casting by pressing the ballot cast button is equivalent to Applicant's **modify said vote data based on a review of the voted ballot associated with said unique ballot identification in said vote data**).

#### ***Response to Arguments***

9. With respect to the Remarks filed January 11, 2006 and Rule 131 or 132 Affidavits filed June 2, 2005, Examiner agreed the rejections of August 11, 2006 based and made on Chung reference has been overcome. Current U.S.C. 35 § 102 rejections are based

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on McClure reference. Please note Examiner also made U.S.C. 35 § 112 rejections to claims 18, 20-25, 27-28, 31-32, 35, 38-39 and 42, based on lack of antecedent basis, because "digital picture(s)" is not supported by the specification. Concerning Applicant's arguments made and based on digital picture(s), with respect to claim rejections have been considered, however, Examiner respectfully submits that McClure reference does provide teaching for visual representation(s) as detailed in the Action.

**10. The prior art made of record**

B. U.S. Patent 6,250,548

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. U.S. Publication 2004/0046021

C. U.S. Patent 4,776,510

D. U.S. Patent 5,218,528

E. U.S. Patent 5,878,399

***Contact information***

**11.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

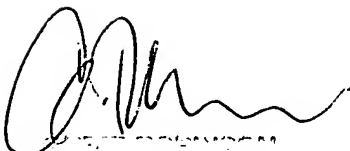
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Kuen S. Lu,

  
Patent Examiner,

March 23, 2006

  
K. S. LU  
Patent Examiner